

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CLEVELAND DANTE NELSON,

No. 2:16-cv-00756-SB

Petitioner

v.

MARK NOOTH,

ORDER

Respondent.

HERNANDEZ, District Judge:

Magistrate Judge Beckerman issued a Findings & Recommendation (#26) on September 22, 2017, in which she recommends the Court deny Petitioner's Amended Petition for Habeas Corpus Relief, dismiss the proceeding with prejudice, and decline to issue a Certificate of Appealability. Petitioner has timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings &

Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

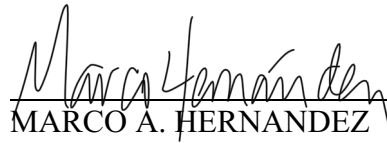
I have carefully considered Petitioner's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Beckerman's Findings & Recommendation [26], and therefore, Petitioner's Amended Petition for Habeas Corpus Relief [15] is denied and this proceeding is dismissed with prejudice. The Court declines to issue a Certificate of Appealability because Petitioner fails to make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 9 day of November, 2017.


MARCO A. HERNANDEZ
United States District Judge